

Florida Legalizes Execution of Child Rapists and Implements Lowest Death Penalty Threshold in the Nation



Republican Governor of Florida, Ron DeSantis, has signed a new bill that lowers the state's capital punishment threshold. The new law allows juries to recommend the death penalty with an 8-4 vote, lower than the 10-2 majority required in Alabama. Indiana and Missouri allow judges to make the final decision on the death sentence when jurors are divided. This controversial move by Florida is expected to put the state at odds with the rest of the country, as it positions itself as an outlier in the debate surrounding capital punishment.

The Florida Supreme Court had previously required juror unanimity in capital cases in 2016, leading to a 2017 law that incorporated the requirement. However, the Florida Supreme Court overturned its 2016 decision in 2020, paving the way for a lower threshold for the death penalty. This new law was passed following the case of Nikolas Cruz, who pleaded guilty to the February 2018 mass shooting that killed 17 people and injured 17 others at the Marjory Stoneman Douglas High School in Parkland, Florida. Jurors had voted 9-3 to recommend the death penalty for Cruz, and the new law makes it easier for similar cases to result in a death sentence.

This move by Florida has sparked controversy and drawn criticism from advocates of criminal justice reform, who argue that capital punishment is an outdated and flawed practice that disproportionately affects marginalized communities. The American Civil Liberties Union (ACLU) of Florida has called the new law "shameful" and "unconscionable," stating that it will only perpetuate the injustices already inherent in the death penalty system.

In addition to this new law, Governor DeSantis is also expected to sign another death penalty bill that allows for the execution of individuals who commit sexual battery on children younger than age 12. This puts Florida at odds with a 2008 decision by the U.S. Supreme Court, which held that the death penalty for child rape is unconstitutional. Justice Samuel Alito had dissented in that case, joined by Chief Justice John Roberts and Justices Clarence Thomas and Antonin Scalia, who Justice Neil Gorsuch replaced after his death. Hopefully, this new bill will lead the U.S. Supreme Court to reconsider its 2008 decision and potentially overturn it.

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The approval of these two bills has put Florida at the forefront of the debate surrounding capital punishment and its place in the criminal justice system. While some argue that the death penalty is necessary for heinous crimes, others point to the numerous flaws and biases within the system that often lead to wrongful convictions and executions. The use of the death penalty also disproportionately affects people of color, the poor, and other marginalized communities, raising questions about its fairness and impartiality.

As the country continues to grapple with issues of systemic racism and injustice within the criminal justice system, the approval of these two bills in Florida highlights the need for continued reform and reevaluation of the death penalty and its role in modern society.